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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------|
| 10/690,015  | 10/21/2003  | Jean Marc Berthaud   | FR920020058US1               | 4790             |
| 46583   | 7590        | 06/27/2008           |                              |                  |
| GREENBLUM & BERNSTEIN, P.L.C.<br>1950 ROLAND CLARKE PLACE<br>RESTON, VA 20191 |             |                      | EXAMINER<br>RUSSELL, WANDA Z |                  |
|   |             |                      | ART UNIT                     | PAPER NUMBER     |
|   |             |                      | 2616                         |                  |
|   |             |                      | NOTIFICATION DATE            | DELIVERY MODE    |
|   |             |                      | 06/27/2008                   | ELECTRONIC       |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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gbpatent@gbpatent.com  
pto@gbpatent.com

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment, filed 6/4/2008 has been received and considered.

### ***Response to Arguments***

2. Applicant's arguments, filed 6/4/2008 have been fully considered but they are not persuasive.
3. Applicant argues that Klinker makes the determination of transmission of the datagram for a given service provider instead of being associated with the next hop router as amended.

In response, the Examiner respectfully disagrees.

In col. 21, lines 1-3, Klinker teaches "Least cost routing refers to a method of using or defaulting traffic to the least expensive provider", and refer to Fig. 12, router 1272 & NSP 1-N, they are next hops to choose from.

4. Applicant argues that a bandwidth is not specially disclosed in Klinker.

In response, the Examiner respectfully disagrees.

In col. 20, lines 28-29, Klinker teaches "circuit bandwidth for calculating utilization". Also refer to the whole paragraph of that section.

5. Applicant argues that Klinker's routing table is not used to update current bandwidth usage with the estimated bandwidth usage.

In response, the Examiner respectfully disagrees.

Klinker teaches "Usage collector 1215 operates to collect usage information 1273 from network providers, such as byte counters (i.e., the amount of traffic transmitted to

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and received from network service providers)” (refer to col. 20, lines 14-17) and “... reconstruct” (refer to col. 20, line 21). Here the byte counters are a table used to update (reconstruct) current bandwidth (amount of traffic) usage.

/Seema S. Rao/  
Supervisory Patent Examiner, Art  
Unit 2616

WZR/Wanda Z Russell/  
Examiner, Art Unit 2616